REMARKS

Claims 5 through 39 are pending in the application with the present amendments. Claims 1 through 3 to a method are cancelled in favor of rewritten claims 5 through 23 and claim 4 is cancelled in favor of rewritten claim 39. Claims 24-38 to a machine-readable medium and to a system are also presented herein for the Examiner's consideration. In the Official Action, the Examiner rejected previously pending claims 1, 2, and 4 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,031,992 filed July 5, 1996 and issued February 29, 2000 to Cmelik et al. ("*Cmelik*"). The Examiner further rejected claim 3 under 35 U.S.C. §103(a) as being obvious over *Cmelik* in view of U.S. Patent No. 6,532,532 B1 to Eaton et al. filed October 15, 1999 and issued March 11, 2003 ("*Eaton*"). For the reasons set forth below, Applicant respectfully submits that the presently pending claims are distinguished over *Cmelik* and *Eaton*. Reconsideration and withdrawal of the rejections is respectfully requested.

The method recited in new claim 5 is neither taught nor suggested by *Cmelik*, or by the combination of *Cmelik* in view of *Eaton*. While *Cmelik* describes a method of dynamically recompiling a set of instructions for execution on a target processor, *Cmelik* neither teaches nor suggests automatically analyzing a plurality of first instructions, considered collectively, to determine a purpose to be achieved thereby. Nor does *Cmelik* teach or suggest automatically generating target instructions based on the automatically determined purpose, in preference over particular operations specified by individual ones of the plurality of first instructions. Nor does *Eaton* provide the teachings which *Cmelik* lacks regarding the presently claimed invention. *Eaton* is merely cited for describing the "processing of source instructions in blocks of varying sizes."

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Independent claim 24 to a machine-readable medium and independent claim 32 to a system contain recitations similar to those of claim 5. Accordingly, on that basis, claims 5 through 38 are patentably distinguished from *Cmelik* and the combination of *Cmelik* and *Eaton*.

Nor does *Cmelik* teach or suggest the invention as claimed in independent claim 39. Claim 39 recites a system operable to generate target instruction from a plurality of first instructions by specifying a second flow of information for achieving a determined purpose of the plurality of first instructions, in preference over particular operations specified by individual ones of the plurality of first instructions.

The remaining claims which depend from claims 5, 24 and 32 contain recitations which further patentably distinguish them from *Cmelik* and the combination of *Cmelik* and *Eaton*.

Support for the present amendments is provided *inter alia* at pp. 10-20 of the specification.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: April 22, 2004   Respectfully submitted,
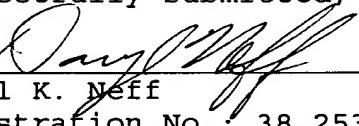
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